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CENTRAL FAX CENTER**PATENT APPLICATION

NOV 23 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Dave Gothard

Application No.: 10/010,556

Filed: November 8, 2001

For: REMOTE CONTROL ELECTRONIC  
DISPLAY SYSTEM

Examiner: Lieu, Julie B.

Group Art Unit: 2636

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF TRANSMISSION**

I hereby certify that this document, together with the attachments mentioned herein, including the Credit Card Authorization, altogether totaling 15 pages, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this the 23<sup>rd</sup> day of November 2004.

  
Edward K. Welch II**PETITION TO WITHDRAW FROM ISSUANCE PURSUANT TO 37 CFR 1.313(c)****And AFFIRMATION OF EXPRESS ABANDONMENT**

Sir:

Applicant hereby petitions the Commissioner for Patents to withdraw from issuance Allowed US Patent Application Serial Number 10/010,556, filed November 8, 2001, under 37 CFR 1.313(c). The Issue Fee was paid on or about June 21, 2004, subsequent to the filing of an Amendment After Allowance (37 CFR 1.312) filed on or

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subsequent to the filing of an Amendment After Allowance (37 CFR 1.312) filed on or about June 1, 2004. To the undersigned's knowledge, no action has yet been taken with respect to the aforementioned Amendment After Allowance. The Petition Fee (37 CFR 1.17(h)) in the amount of \$ 130.00 is submitted herewith by way of the attached Credit Card Authorization

Applicant has recently become aware that art cited in the European Search Report issued with respect to the European patent application corresponding to the parent of the instant United States patent application has not yet been identified to the US Patent Office. Applicant, when informed by the undersigned of these circumstances and of Applicant's obligation of disclosure, instructed the undersigned to take immediate action to fulfill Applicant's obligations.

Applicant is an individual inventor who had relied upon the experience of his original representative to take whatever actions were necessary and appropriate with respect to his patent applications. Applicant was neither aware of the obligation to disclose the citations in the European Search Report to the Patent Office nor advised to do so by his original representative. When the undersigned inquired of the original representative as to why the citations in the European Search Report were not submitted to the US PTO, the representative indicated that it was not his routine to submit the same and, in any event, believed that the citations were likely to be cumulative to what was already before the Examiner. Three of the five documents cited in the European Search Report are identified as being particularly relevant ("X"). In this light, the undersigned and Applicant believe the question of cumulative art is best left to the Patent Office.

Given the length of time since the payment of the Issue Fee and the uncertainty of where the application stands relative to issuance in view of the §312 Amendment, together with the complexity of the claims of this case and the cited documents, Applicant has elected to file a continuation application and expressly abandon the

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instant application, the express abandonment to occur concurrent with the granting of a filing date to the continuation application. The Continuation application was filed on November 2, 2004 as US Serial No. 10/979,552. A copy of a Preliminary Amendment filed with that new Continuation Application in which Applicant Expressly Abandons the instant application is attached. By this Petition, the undersigned, on behalf of the Applicant, reaffirms the Express Abandonment of USSN 10/010,556.

The undersigned herewith submits a copy of a Modification of Prior Power of Attorney and Addition of Attorneys appointing the undersigned as an attorney in this Application as evidence of his authority to act in this regard. The original document was filed in this application on or about October 14, 2004.

Should there be any questions or concerns, please contact the undersigned directly.

Respectfully submitted,



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